



American Federation of Musicians

of the United States and Canada
AFFILIATED WITH THE A.F.L.-C.I.O.

OFFICE OF GOVERNMENT RELATIONS
HAL PONDER, Director
910 17th St NW, Suite 1070
Washington, DC 20006
(202) 463-0772 • FAX (202) 463-0758

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VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Ex Parte Comments of the American Federation of Musicians
Introduction of Unlicensed Devices in the "White Spaces"
ET Docket No. 04-186**

Dear Ms. Dortch:

On behalf of the more than 100,000 members we represent, the American Federation of Musicians ("AFM") has been closely following developments related to ET Docket No. 04-186. We recently made note of the Commission's public notice regarding the projected schedule for the introduction of unlicensed devices into the broadcasting "white spaces." While we support the Commission's efforts to better utilize the broadcasting radiofrequency bands, we are concerned about harmful interference that will result from the introduction of unlicensed devices en masse into the same spectrum that our members use and rely on to entertain millions of American's every year.

The AFM was chartered as a trade union for professional musicians in 1896 with 3,000 initial members. Since its inception, the AFM has been a pioneering advocate for its members on issues ranging from fair wages to stronger copyright laws. AFM now urges the Commission not to make rule changes that could undermine significant investment made by AFM members in audio equipment and threaten their ability to use wireless microphones to record and perform.

As the Commission examines how to develop technical rules for potential unlicensed devices that may operate in the "white spaces," we implore the Commission to remember the many existing users who rely on this spectrum. This spectrum not only allows local television

stations to broadcast their programming to the American public, it also allows wireless microphones and auxiliary equipment to entertain millions of Americans every year. Every time an American enters a stadium or a concert hall where the entertainer uses a wireless microphone to amplify his or her voice, this spectrum is a key ingredient in the success of the event. Any introduction of new radio devices into this spectrum that is not methodically planned could have disastrous consequences.

In particular, the AFM urges the Commission to delay the introduction of mobile unlicensed devices into the "white spaces." It will be extremely challenging to identify and isolate a fixed device that is improperly functioning and creating interference for incumbent applications. The possibility of having dozens or hundreds of individuals enter a concert hall or football stadium with devices that are operating in the same RF spectrum as the performers on stage is deeply troubling. One improperly operating device in the crowd could disrupt a concert that thousands of Americans have paid to see, and perhaps many more Americans at home are watching on television.

We urge you to use an abundance of caution when establishing new technical rules for the "white spaces." Preserving the quality of this spectrum is worth the extra effort and time involved in properly planning the introduction of new devices.

Sincerely,

/s/

Hal Ponder
Director of Government Relations
American Federation of Musicians